

Appendix D1
Special Use Regulations for Agricultural Zones

CHAPTER 9-605**AGRICULTURAL ZONES: USE REGULATIONS****Sections:**

- 9-605.1** Intent.
- 9-605.2** Permitted Use Types.
- 9-605.3** Expansion of Uses and Structures.
- 9-605.4** Accessory Uses and Structures.
- 9-605.5** Temporary Uses and Structures.
- 9-605.6** Special Use Regulations.

Tables:

- 9-605.2** Uses in Agricultural Zones.
- 9-605.3** Accessory Uses & Structures in Agricultural Zones.
- 9-605.4** Temporary Uses & Structures in Agricultural Zones.

9-605.1 INTENT.

The intent of this Chapter is to specify the range of uses and structures allowed within agricultural zones, consistent with the policies and principles of the General Plan.

(Ord. 3675)

9-605.2 PERMITTED USE TYPES.

Permitted, not permitted, and conditionally permitted use types are set forth in Table 9-605.2. Use types are described in Chapter 9-115.

(Ord. 3675)

9-605.3 EXPANSION OF USES AND STRUCTURES.

Uses or structures that require discretionary review may be expanded with an Improvement Plan, provided the following conditions are met:

- (a) The proposed expansion of a structure involves less than a twenty-five percent (25%) increase in floor area covered by the existing use; and
- (b) The proposed expansion involves less than a ten percent (10%) increase in the overall site area covered by the existing use; and
- (c) The proposed expansion, in the opinion of the Director, will not have a substantial, adverse effect on adjacent property; and
- (d) The proposed expansion will comply with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency; or
- (e) Where conditions in Subsections (a) through (d) of this Section are not met, the level of review for the

expansion shall be the same as the level of review required in Table 9-605.2.

(Ord. 3675; Ord. 3872 § 19, 1996)

9-605.4 ACCESSORY USES AND STRUCTURES.

Accessory uses and structures permitted, not permitted, and conditionally permitted are set forth in Table 9-605.3. Accessory uses and structures not specifically listed in Table 9-605.3 may be allowed by the Director, subject to approval of an Improvement Plan pursuant to Chapter 9-884 or a discretionary application, as specified by the Director.

(Ord. 3938 § 5, 1997)

9-605.5 TEMPORARY USES AND STRUCTURES.

Permitted, not permitted, and conditionally permitted temporary uses and structures are set forth in Table 9-605.4. Temporary uses and structures not specifically listed in Table 9-605.4 may be allowed, subject to approval of an Improvement Plan pursuant to Chapter 9-884.

(Ord. 3675; 3739; Ord. 3938 § 6, 1997)

9-605.6 SPECIAL USE REGULATIONS.

In addition to the provisions of Sections 9-605.2 through 9-605.5, the following Special Use Regulations shall apply to the uses or use types specified below:

(a) Agricultural Processing.

(1) A use classified under the Agricultural Processing use type may be expanded provided all of the following conditions are met:

- (A) The use was lawfully in existence at the time the property was rezoned to AG;
- (B) The expansion involves less than a fifty percent (50%) increase in floor area;
- (C) The expansion involves less than a twenty-five percent (25%) increase in overall site area; and

(D) The expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency.

(2) If a proposed expansion does not comply with the above, a new use permit shall be required.

(b) **Farm Employee Housing.** Up to four (4) dwellings may be allowed per parcel for Farm Employee Housing, subject to the following:

- (1) For each such dwelling unit, the minimum aggregate area of the parcel or parcels farmed in San Joaquin County by the owner-operator of the agricultural enterprise or his lessee shall be twenty (20) acres. This

requirement may be modified by the Director for parcels used primarily for poultry farms or similar intensive agricultural activity.

(2) In instances where single-family dwellings are used as farm employee housing, rather than the use of mobile homes, such single-family dwellings shall be located on parcels used for intensive agricultural uses, such as dairies or poultry farms, only.

(c) **Explosives Handling.** A permit approval shall be subject to all of the following findings:

(1) The use type is located one-half mile or more from any residence or residentially zoned area on soils not classified as "prime," of "statewide significance," or "unique" by the United States Department of Agriculture, Soil Conservation Service;

(2) The use type is located in areas within one-quarter mile of an existing use classified under the Explosives Handling use type; and

(3) The use type will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or be injurious to property, agricultural operations, or improvements in the vicinity.

(d) **Power-Generating Facility.** A permit approval shall be subject to all of the following findings:

(1) The source of the power requires locating the use in an area designated as Agriculture or Resource Conservation in the General Plan;

(2) The use will not have a significantly detrimental effect on agricultural activities in the vicinity; and

(3) The site of the use can be rehabilitated for agricultural production or a permitted use in the AG zone if the power source is temporary.

(e) **Resource Recovery.** A permit approval shall be subject to all of the following findings:

(1) The nature of the materials processed and the operational characteristics of the use require a location outside of an urban area as designated on the General Plan.

(2) The facility only converts waste products from agricultural operations to other useable products.

(f) **Agricultural Truck Parking.** A permit approval for truck parking as an accessory use in an agricultural zone shall be subject to the following minimum requirements:

(1) The property contains a minimum of two (2) acres for up to one (1) truck and two (2) trailers, and four (4) acres for up to two (2) trucks and four (4) trailers; and

(2) The property fronts on a County-maintained road with a minimum twenty (20) foot width of pavement.

(3) The property contains the residence of the owner-operator of the truck(s).

(4) No employees, other than members of the owner-operator's immediate family, are allowed in the agricultural truck parking operation.

(5) One (1) accessory structure only is allowed for maintenance and repair of the permitted trucks and trailers.

(g) **Temporary Farm Labor Housing.** Permit approval shall be subject to the following minimum requirements:

(1) The housing must be used in conjunction with work performed on the site or on property owned or leased by the owner;

(2) The housing may not be occupied for more than eight (8) weeks per year; and

(3) The housing must be under permit of the Environmental Health Division.

(h) **Equipment Sales and Repair, Farm Machinery, Sales.** Permit approval shall be subject to the following requirements:

(1) The use type shall only be established where the proposed use or project has direct access to a Collector or higher classification roadway.

(i) **Agricultural Urban Reserve Zones.** Existing uses in the Agricultural Urban Reserve Zone which are consistent with the General Plan may be expanded or changed to other uses which are consistent with the General Plan, subject to a Site Approval, unless another discretionary approval is specified by this Title.

(j) **Open Space/Resource Conservation Area.** In areas designated as Open Space/Resource Conservation on the General Plan Map, all uses or use types shall require Site Approval, except:

(1) When another discretionary approval is specified by the Title.

(2) At the discretion of the Director, an Improvement Plan may be permitted in the following cases;

(A) Expansions of less than twenty-five percent (25%) to existing structures, or

(B) New accessory uses or structures that comply with the requirements in Section 9-605.3.

(k) **Dairies.** Dairies shall be subject to the following requirements:

(1) An existing or reactivated dairy may be expanded provided the expansion involves less than a twenty-five percent (25%) increase in the floor area of the milking parlor or milk house.

(2) An inactive dairy may be reactivated provided said dairy has been under permit with the Environmental Health Division within the previous five (5) years of its proposed reactivation date.

Table 9-605.2

TABLE 9-605.2: USES IN AGRICULTURAL ZONES						
Legend:		P	Permitted Use			
		PI	Permitted Use With Improvement Plan			
		QX	Use Permitted Subject to Quarry Excavation Permit			
		S	Use Permitted Subject to Site Approval			
		SD	Use Permitted Subject to Second Unit Dwelling Permit			
		U	Use Permitted Subject to Use Permit			
		-	Use Not Permitted			
Note: In areas designated as Open Space/Resource Conservation on the General Plan, all uses or use types shall require Site Approval, unless another discretionary approval is specified by this Title.						
Use Types			Agricultural Zones			
			AG	AL	AU	ARM
Signs, Off-Premises			-	-	-	-
Stables						
	Neighborhood		S	U	S	S
	Commercial		U	U	U	-
Transportation Services			-	-	-	-
Truck Sales and Services						
	Parking		-	-	-	-
	Cleaning		-	-	-	-
	Stops		-	-	-	-
	Repairs		-	-	-	-
	Sales		-	-	-	-
	Terminals		-	-	-	-
Utility Services						
	Minor		P	P	P	P
	Major		S	S	S	S
Wholesaling & Distribution						
	Light		-	-	-	-
	Heavy		-	-	-	-

(Ord. 3675; 3697; 3715; 3756; Ord. 3843 § 5, 1995; Ord. 3872 § 11, 1996; Ord. 3911 § 6, 1997; Ord. 3931 § 7, 1997; Ord. 3999 § 6, 1998; Ord. 4013 § 6, 1999; Ord. 4059 § 10, 2000; Ord. 4106 § 5, 2001)